

# ARS □ CSREES □ ERS □ NASS

## *Policies and Procedures*

***Title:*** Foreign Gifts and Decorations

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***Originating Office:*** Personnel Division  
Labor and Employees Relations Branch

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***Distribution:*** Headquarters, Areas, and Locations

This Directive prescribes responsibilities to be undertaken whenever a gift or decoration is presented to any ARS employee by a foreign government. This revision provides current information concerning acceptance and disposition of foreign gifts and decorations.

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## 1. References

- For information on disposal of gifts of money, see DIRECTIVE 326.0.
- For information on delegations of authority to approve travel, see DIRECTIVE 340.0.
- For information on acceptance of travel funds from outside sources, see DIRECTIVE 341.2.
- For information on the disposal of gifts and decorations through appropriate ARS Property Management Officials, see Federal Property Management Regulations, Part 101-49, and Agriculture Property Management Regulations, AGPMR, Part 104-49.
- For information on gift acceptance and conflict of interest considerations, see the Standards of Ethical Conduct for Employees of the Executive Branch.

## 2. Abbreviations

- APMO - Area Property Management Officer
- CFR - Code of Federal Regulations
- GSA - General Services Administration
- LERB - Labor and Employee Relations Branch
- PMO - Property Management Officer
- U.S.C. - United States Code

## 3. Definitions

**Decoration** is an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government.

**Employee**, for purposes of this DIRECTIVE, includes all ARS employees, experts or consultants under contract with the United States, spouses of all such individuals, and blood and in-law relations who are residents of the employee's household.

**Foreign government** is:

- Any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

- Any international or multinational organization whose membership is composed of any unit of foreign government; and
- Any agent or representative of any such unit or organization.

**Gift**, for purposes of this DIRECTIVE, is a souvenir or a mark of courtesy (other than a decoration) tendered by, or received from, a foreign government.

**Minimal value** is currently defined as the retail value in the United States at the time of acceptance of \$225 or less.

EXCEPTION: Minimal value is subject to redefinition at 3-year intervals.

## 4. Authorities

- Foreign Gifts and Decorations Act of 1966, as amended
- 5 U.S.C. 5701-5709
- 41 CFR Part 101-49
- Executive Order 11609
- Executive Order 12674, as modified by Executive Order 12731
- Title III of the Ethics Reform Act of 1989

## 5. Policy

ARS expects all employees to comply with the provisions of the Foreign Gifts and Decorations Act of 1966, as amended, and the Standards of Ethical Conduct for Employees of the Executive Branch.

## 6. Responsibilities

**Headquarters PMO, Contracting and Assistance Division and APMOs, will:**

Ensure that accepting gifts and accepting, retaining, and wearing decorations by employees complies with Property Management regulations and law.

**Chief, LERB, Personnel Division, will:**

Ensure that accepting gifts and accepting, retaining, and wearing decorations by an employee complies with Ethics regulations and law.

**Administrator, or his designee, will:**

Ensure that the receipt of gifts of travel or travel expenses comply with Travel regulations and law.

**Recipients of gifts and/or decorations will:**

Notify and obtain authorization from appropriate ARS officials, as listed in this DIRECTIVE, before retaining gifts and decorations.

## **7. Acceptance of Gifts and Decorations**

### **Gift Acceptance**

The law specifies that Congress consents to employee acceptance of a gift of:

- Minimal value; and
- More than minimal value when such a gift is in the nature of an educational scholarship or medical treatment, or it appears that to refuse the gift would be likely to cause offense or embarrassment, or otherwise adversely affect the foreign relations of the United States.

However, a gift of more than minimal value is deemed to have been accepted on behalf of the United States pending appropriate disposal.

### **Decoration Acceptance**

The law specifies that Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency **and** the concurrence of the Administrator of the Foreign Agricultural Service or his or her designee.

Approval will be granted based on a finding of whether or not the acceptance, retention, and wearing of the foreign decoration by the employee, would be in the best interest of the United States. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee within 60 days of acceptance

with the APMO/PMO, who in turn, shall forward it to the Office of Operations for appropriate disposition.

## **8. Procedure**

### **Procedures for acceptance of foreign gifts other than travel or travel expenses**

#### **Recipient**

- Within 60 days of receipt of a foreign gift, notify APMO/PMO providing the following information:
  - Name and position of recipient;
  - Brief description of the gift and circumstances justifying acceptance;
  - Identity, if known, of the foreign government, and name and position of the individual who presented the gift;
  - Date of gift acceptance;
  - Estimated value in the United States of the gift at the time of acceptance;
  - Disposition and current location of the gift; and
  - Indication as to whether or not recipient wishes to purchase the gift, if they believe it exceeds minimal value.

NOTE: All gifts exceeding minimal value must be released to the APMO/PMO within 60 days of receipt.

#### **APMO/PMO**

- Upon receipt of material required as above, the APMO/PMO shall:

- Make an initial determination as to the value of the gift. (Initial appraisals disputed by the recipient shall be resolved by the APMO/PMO through the services of a commercial appraiser.)
- Obtain commercial appraisals and notify GSA of those gifts exceeding minimal value which the employee indicates the desire to purchase.
- Notify recipient of GSA's decision regarding the disposal of those gifts the recipient wishes to purchase; and
- Return gift to individual who presented it or dispose through GSA procedures.

#### **EXCEPTION:**

#### **Disposition of Firearms and Money**

- Firearms received as a foreign gift, regardless of value, are to be reported to the APMO/PMO.
- Gifts of money, cash, currency, checks, etc., are to be deposited with the Department of Treasury in accordance with DIRECTIVE 326.0.

#### **NOTE:**

**Procedures for travel or travel expenses** Recipient must follow the guidelines in DIRECTIVE 341.2.

**Notification of Gift Receipt to LERB** Whenever an ARS employee receives and requests to retain **any** gift as defined in Section 3, above, as **Gift**, the employee, or a responsible ARS official on his/her behalf, will submit a report containing the information identified under '**Procedures for acceptance of foreign gifts other than travel or travel expenses**', "**Recipient**", above within 60 days of receipt, to LERB. LERB will apprise the recipient and the APMO/PMO of any conflict of interest implications.

#### **Procedures for acceptance of foreign decorations**

##### **Recipient**

- Immediately upon notification of decoration receipt, recipient shall notify LERB providing the following information:
  - Name and position of recipient;

- Brief description of the decoration and circumstances justifying acceptance;
- Identity of the foreign government and name and position of the individual who presented the decoration; and
- Date of decoration acceptance;

## **LERB**

- Upon receipt of information provided above under "**Procedures for acceptance of foreign decorations**", "**Recipient**", LERB shall seek appropriate approval and notify recipient of final determination.

NOTE: If retention by recipient is refused, recipient shall deposit the decoration with the APMO/PMO within 60 days of such notification.

JANE L. GILES  
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